

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Crim. No. 04-10085-RGS
)	
MINH N. PHAN,)	
)	
Defendant.)	

**JOINT MEMORANDUM PURSUANT TO
LOCAL RULE 116.5(C)**

The United States of America, by its attorneys Michael J. Sullivan, United States Attorney for the District of Massachusetts and Assistant U.S. Attorney Heidi E. Brieger, and defendant Minh N. Phan, by his attorney Page Kelley, Esq., hereby file -- in lieu of the status conference scheduled for June 21, 2004 -- the following Joint Memorandum Pursuant To Local Rule 116.5(C), as ordered by this Court in the Initial Scheduling Order.

The parties have spoken about the following issues with the following results:

- (1) **Outstanding Discovery.** The government has provided automatic discovery to defense counsel.
- (2) **Further Discovery.** Additional time is needed to complete the review of automatic discovery. Defense counsel accordingly reserves the right to seek additional discovery by letter after the date of this conference.
- (3) **Defenses.** Defense counsel does not at this time intend

to raise insanity or public authority defenses.

- (4) **Notice Of Alibi.** The defendant at this time does not intend to assert an alibi.
- (5) **Substantive Motions.** Defense counsel reserves the right to file substantive motions after review of the discovery provided by the government.
- (6) **Scheduling.** The parties seek an interim status conference in this matter in six weeks, preferably the week of August 2, 2004.
- (7) **Early Resolution of Case.** The parties are currently attempting to resolve this matter short of trial.
- (8) **Speedy Trial Calculations.** There are no disagreements about the Orders of Excludable Delay that have been entered in this case. The parties request that the Court enter an Order of Excludable Delay excluding the period from the date of the scheduled Status Conference (June 21, 2004), until the date of the Interim Status Conference to be scheduled in six weeks, in the interest of justice.
- (9) **Length of Trial.** The parties estimate that the

trial will take five trial days.

Respectfully submitted,

MINH N. PHAN

MICHAEL J. SULLIVAN
United States Attorney

By: /S/ Page Kelley (HEB)

By: /S/ Heidi E. Brieger

PAGE KELLEY, ESQ.

HEIDI E. BRIEGER
Assistant U.S. Attorney